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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Eduard K. de Jong

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EXAMINER

HOMAYOUNMEHR, FARID

ART UNIT

PAPER NUMBER

2132

DATE MAILED: 07/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/014,934

Applicant(s)

DE JONG ET AL.

Examiner

Farid Homayounmehr

Art Unit

2132

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 20 June 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-25.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.


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Continuation of 11. Applicant argues with respect to claim 1 that, a request from to user site 105a of Gabber does not teach from where on the site the data is requested, or the type of storage used, or how elements are arranged on the user site. However, the claim at hand does not have any limitation regarding the type of storage used, or how elements are arranged on the user site, or where on the site the data is requested either.

The applicant also argues that since the user enters data in a browser window, it means that it is unnecessary to request user data from a "user-controlled secure storage device". This is a false conclusion, because entering data in a browser window is in response to a request of data, and it does not make it unnecessary to request the data. As indicated in referenced part of Gabber (particularly column 9 line 50 to 55), device 110a displays its own HTML document on user sites browser. Displaying an HTML page, containing fields to enter data, on a user device, is clearly requesting user data.

Applicant further argues by citing a portion of Gabber that the user data is required only once. Note that even if the data is required only once, it means that data was requested, and it discloses the claim requirements. Furthermore, the data is requested from the user device if it is user's first request of the current session (see column 9, line 50 to 53). Therefore, any time the user makes the first request of a session, the user data is requested. This is far from making it unnecessary to make a request for data.

Applicant further argues that Gabber teaches nothing about how security is obtained on the user site, or where or how the information is stored on the user site. However, the claim at hand does not have any requirement on how security is obtained on the user site, or where or how the information is stored on the user site either.

Therefore, applicant's arguments regarding the rejection of claim 1 is moot.

Applicant argues with respect to claim 2 that according to applicant's previously pointed out discussion, Col. 13 lines 34 to 35 does not describe a request for user data. As mentioned above, applicant's previous arguments are moot. Therefore, this argument is also moot.

Applicant further argues that the rejection fails to demonstrate that Gabber teaches the invention into the same level of details as recited in claim 2, because the rejection argument only implicitly teaches the part: "if said data is found". The implicit description of claim requirement is considered describing it inherently and is sufficient for rejection by MPEP.

Next, the applicant argues that if the central proxy acts automatically without user intervention, the user is not in control. This is not a correct assertion. The user can control activation of an automatic response. User control of a device does not mean the user has to control every response. The user can simply activate or deactivate the automatic response. Therefore, user control and automatic response are not in conflict. Furthermore, as identified by the previous officer actions, column 9 lines 12 to 15 sufficiently indicate that the user has the control of the proxy servers.

Applicants continue their argument by citing part of Gabber that identifies the user data as "specific substitute identifiers", and conclude these identifier would not be reconfigured because they do not have the potential to reveal user secrets. Applicants should note that these identifiers do not reveal user secrets because they are reconfigured by the proxy server. Therefore, the proxy server does reconfigure the data, and meets the requirements of claim 2.

Applicants further argue that the rejection has no cited support for static data described as "details of a product that the user is ordering is not modified, and simply transmitted to the server". However, page 4 of the Final Rejection dated 4/20/2006 cited column 4, lines 39 to 45, which reads "...the proxy system may remove or substitute some portion of messages communicated by the user to the server to ensure anonymity". This clearly indicates that the portion that is not a threat to disclose anonymity may not be removed or substituted, and supports the interpretation of the static data as it appears in the rejection. In case that applicant's focus in this argument is on cited support for the statement "details of a product that the user is ordering is not modified, and simply transmitted to the server" in Gabber, Examiner asserts that ordering products on Web was well-known and broadly practiced at the time of invention. To support that assertion, applicant is directed to column 1 lines 10 to 51 of Gabber. As an example, Amazon.com (column 1 line 40) is a website that allows users to order products, and to complete the transaction requires personal information as well as product related information. Hence, static and dynamic data are both supported by Gabber, as well as finding and storing data, as described in the rejections.

Therefore, all of applicant's arguments regarding rejection of claim 2 are moot.

Applicant argues with respect to claim 3 that the interpretation of Proxy server in claim 2 and 3 are inconsistent. However, consistency is not required as claims 2 and 3 are independent claims. Therefore, the argument is moot. Nevertheless, Examiner maintains that the interpretations are consistent. The proxy 110a is a server, which connects to both items 105a and 110g. It is well understood that such device plays the both roles of a server and a client. It is also described by Gabber (column 6 lines 25-28) that in some configurations, any of sites 105 and 110 of Figure 1 (which includes 110a, 105a and 110g) could be a combination of a user, a proxy or a server.

Applicant further argues that modifying the data is not reconstructing the data before using it. However the claim language fails to make a distinction between reconstructing data and modifying data. In broadest interpretation of reconstruction, any modification is reconstruction. In addition, Gabber is clearly directed to constructing data in column 4 lines 3-8).

In the same way, the word "using" can be interpreted in many broad ways. For instance, the data is used by the transmitter for transmission. Therefore, applicant's arguments regarding the rejection of claim 3 is moot.

Applicant has also argued the rejection of claim 4, by applying the same arguments for claim 1, and asserting that the rejection failed to teach where or how the cookie is stored. However, applicant's argument with respect to claim 1 is moot as described above. Also, the rejection does not need to teach how or where the cookie is stored as the same is not part of the claim at hand. Therefore, applicant's arguments regarding the rejection of claim 4 is moot.

Applicant has argued rejection of claims 5-19, 21, 22, and 24 by citing the same arguments as above. Since all the above arguments are moot, arguments to rejection of all mentioned claims are moot.

Applicant has also argued the rejection of claims 20 and 23 based on the same remarks made for claims 2, 4 and 5. As discussed above, arguments relative to rejection of claims 2 and 4 are moot. Applicant also maintains that Paltenghe fails to correct the deficiencies, but provides no supporting argument or reason. Applicant further argues that the combination is not well founded because Gabber relies upon a proxy system to perform the operations cited. However, it is unclear how Gabber's reliance on proxy server makes the combination not well founded.

With respect to claim 25, applicant argues that the timing of claim is not matched as the cited portion of the reference describes the construction of identifiers. However, the cited portion includes column 7 lines 3-5, which also describes when a user uses the identifiers to browse the server. Therefore, the identifier is created, stored and then sent to the server, which exactly matches the timing of claim 25.

Applicant further argues that the rejection fails to explain why a person skilled in art would be motivated to use a smart card in Gabber system. However, the motivation to combination is clearly explained in section 5.1. of the Final Rejection dated 4/20/2006. Applicant also maintains that Paltenghe fails to correct the deficiencies of Gabber, but provides no supporting argument or reason.

Therefore, applicant's arguments regarding the rejection of claim 20, 23 and 25 are moot.

For the foregoing reasons, the request to allowance of all pending claims is rejected.